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Alberta

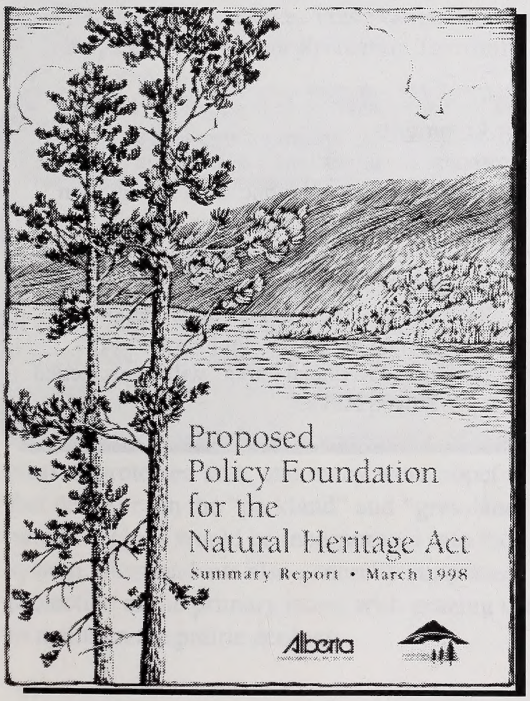
Parks and Protected Areas

Preserving Your Natural Heritage

NATURAL HERITAGE ACT UPDATE AND SUMMARY OF PUBLIC COMMENTS February 1999

Introduction

Alberta's protected areas are currently managed under three separate pieces of legislation: the *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves and Natural Areas Act*, and the *Willmore Wilderness Park Act*. *The Natural Heritage Act* will consolidate these Acts and establish a revised classification system of protected areas. The Act will also clarify the purpose of each class and how sites will be managed. The intent is to streamline, update and improve Alberta's protected areas legislation.



On March 5th 1998, Albertans were invited to provide comments on the "Proposed Policy Foundation for the *Natural Heritage Act*." The policy foundation document introduced a new proposed classification system for protected areas and general guidelines for how the classes would be managed.

In addition to testing new concepts and providing context for developing the *Natural Heritage Act*, the Policy Foundation will eventually be rewritten and used as a policy guide to set the direction for the future of Alberta's Parks and Protected Areas network.

The public input process to review the policy foundation document ended on May 15th. During the comment period, a dedicated toll free information line was in operation, and over 2,000 information packages were requested. Approximately 200 written responses were received. Respondents provided detailed comments covering a wide range of topics. The focus of this summary will be on comments pertaining directly to the *Natural Heritage Act*.

About the *Natural Heritage Act*

Submissions showed general agreement on the need to consolidate existing protected areas legislation. Similar support was expressed for a simple and clear classification system that reflected the range of protected areas.

Several respondents noted that the proposed policy foundation document mentioned that the Special Places program would be implemented under the *Natural Heritage Act* and other existing legislation. A number of respondents questioned what was meant by "other legislation." These respondents supported the consolidation of protected areas under one piece of legislation and commented that lands set aside as protected areas are better managed under protected areas legislation rather than other legislation such as the *Public Lands Act* or the *Forests Act* which generally manage land for multiple use.

Respondents generally agreed that "preservation" and "heritage appreciation" should be priority goals for Alberta's protected areas network.

Recognizing that the Special Places program will conclude next year, many respondents supported defining a clear process in the legislation for establishing future protected areas. The respondents felt that such a process would need to include public involvement.

About the Proposed Classes

The Proposed Policy Foundation for the *Natural Heritage Act* outlined a new classification system consisting of five classes: Provincial Nature Reserves, Wildland Provincial Parks, Natural Environment Provincial Parks, Heritage Rangelands, and Recreation Areas.

This classification system is intended to replace the existing seven classes (Ecological Reserves, Wilderness Areas, Willmore Wilderness Park, Wildland Parks, Natural Areas, Provincial Parks, and Provincial Recreation Areas) and provide a better definition of the range of protected areas in Alberta.

There was strong agreement that the *Natural Heritage Act* should establish a classification system with a range of protection provided by the variety of classes of protected areas. The proposed number of classes was considered adequate by some, whereas others wanted to see more classes of protected areas.

Most of the comments on the individual classes of protected area focused on specific activities that respondents found either acceptable or unacceptable in that particular class. These comments have been summarized under the heading **"About Activities and Uses of Protected Areas."**

Numerous comments were submitted on the proposed names for the classes of protected areas. Several respondents felt that existing classes should not change their names, because of their strong recognition. For example, most people who commented on the names of classes recommended that "Natural Environment Provincial Park" should remain "Provincial Park."

Our Comments:

In response to suggestions we heard and to reduce confusion and increase public name recognition, the class names will be changed as follows:

- the "Provincial Nature Reserve" class will be changed to "Ecological Reserve";
- "Natural Environment Provincial Parks" will be shortened to "Provincial Parks"; and
- "Wildland Provincial Parks" will be shortened to "Wildland Parks."

Implementation of the New Classification System

Respondents generally recognized that bringing new legislation and a new classification system into effect would require dealing with many transitional matters. The most commonly mentioned items related to the new classification system are the following:

Reclassification of existing sites

Comments on the reclassification of existing sites were frequently noted. Many respondents commented on specific protected areas (particularly specific Natural Areas), and questioned where these areas might fit in the new system. Respondents generally did not favour existing protected areas being "downgraded" (reclassified to a class that they perceived as less well protected.)

Our Comments:

The reclassification of existing protected areas will be based on scientific evaluation of the area using the following criteria:

- representativeness and significance of natural features of the area;
- contribution to the protected areas system's four program goals (i.e., Preservation, Heritage Appreciation, Outdoor Recreation,Tourism);
- site condition; and
- current management objectives, practices, and existing uses and commitments.

Heritage Rangelands

The Policy Foundation proposed the development of a new class of protected area called Heritage Rangelands. This class received the greatest number of comments from respondents.

Respondents were generally supportive of this class of protected area, and many were hopeful that new sites in the "parkland" and "grassland" natural regions would be incorporated into the system. Respondents also generally supported protection as the primary intent with grazing used to maintain the prairie ecology.

However, it was evident from the responses that there was some confusion surrounding the purpose of this class and that a clearer definition is required.

Many respondents expressed concern that permission for access to Heritage Rangelands might be required from grazing leaseholders. These respondents felt that lands under grazing lease are public land and should be accessible to the public, particularly in the case of access by foot.

Others recognized the traditional stewardship role of leaseholders. They suggested that permission for access to leased lands should be required from the leaseholder. From their perspective, permission is necessary, for the ranchers to provide the best protection for the land, their livestock, the public and themselves.

Some respondents recommended that access to public land should be addressed in a comprehensive, publicly developed public land policy.

Our Comments:

- The Heritage Rangeland designation provides an important opportunity to preserve representative examples of grassland and prairie landscapes. The management focus for these areas will be on preservation rather than recreation.
- The majority of lands being considered for Heritage Rangeland designation currently contain land under grazing lease.
- Based on public and stakeholder comments, management guidelines are being prepared for this class.
- On March 26, 1997, Premier Klein announced the appointment of Tom Thurber, MLA, Drayton Valley – Calmar to lead the review of public lands policies in the White Area of the province with a special emphasis on grazing lease issues.

  The Agricultural Lease Review Committee has made recommendations to government on the question of access to Crown land under grazing disposition. Management of Heritage Rangelands will be consistent with the final policy direction.

Wilderness Areas, Willmore Wilderness Park and Wildland Provincial Parks

Alberta's three existing Wilderness Areas (White Goat, Siffleur, and Ghost River) are currently among the most protected areas in Canada. *The Proposed Policy Foundation for the Natural Heritage Act* recommended that the Wilderness Areas and Willmore Wilderness Park, be added to the existing Wildland Provincial Parks class.

Many respondents expressed concern that by placing these areas in the Wildland Provincial Park class, their existing level of protection may be diminished. Specific comments were submitted with respect to hunting, OHV use, and resource commitments in these areas. Some respondents suggested keeping these three areas in their own class.

Other respondents were equally concerned that combining the existing Wildland Provincial Parks, Willmore Wilderness Park and the three existing Wilderness Areas in the same class could result in the phasing out of activities (e.g., hunting, trapping) that are currently permitted in the Willmore and in existing Wildland Provincial Parks.

Our Comments:

- Currently, there are no existing resource commitments in the three Wilderness Areas. No dispositions will be issued in these areas.
- Some new Wildland Parks may contain pre-existing resource commitments. These commitments would be honoured.
- Hunting and trapping are permitted on a controlled basis in Willmore Wilderness Park and in most Wildland Parks, these activities would continue subject to approval in the management plan.
- Off-highway vehicles will continue to be prohibited in the three Wilderness Areas and existing restrictions in the Willmore will continue to apply. Limited use of designated trails may be considered in other Wildland Parks, where such use existed at the time of establishment subject to approval in the management plan.

Natural Areas

The existing Natural Areas class will not be continued under the *Natural Heritage Act*. These areas currently receive little legislated protection because there are no regulations pertaining to the class under the existing legislation.

Many respondents expressed concern at the loss of the Natural Area class. These respondents tended to be familiar with specific Natural Areas and were concerned with how these areas would be classified under the new system. Some respondents suggested retaining the Natural Area class in the new system. Others had specific suggestions on how individual Natural Areas should be reclassified or what sort of activities should be permitted in them.

Of the respondents who commented on Natural Areas, many expressed concerns with the level of off-highway vehicle activity that some of these areas receive.

Our Comments:

Under the *Natural Heritage Act*, the existing Natural Areas will be re-designated to the appropriate class based on a scientific evaluation using defined criteria (see comments on reclassification of existing sites).

- Some existing Natural Areas have already been merged into new protected areas designated under the Special Places program and receive a higher level of protection than they formerly had.
- Natural Areas that contain provincially significant natural features will likely be re-designated as Ecological Reserves.
- Categories of Recreation Areas will be developed. The categories will be specified in the regulations under the Act.
- One category of Recreation Area will be developed to protect areas of local interest for nature-based recreation opportunities.
- Sites that have local conservation values but do not have provincially significant natural features or contribute to the preservation goal will likely also be re-designated as Recreation Areas and will continue to be managed as they are now, though with added regulatory protection.

About Activities and Uses of Protected Areas

The Proposed Policy Foundation for the Natural Heritage Act describes various activities that are "permitted," "conditional" or "not permitted" in each of the proposed classes of protected areas. This listing of permitted uses received considerable feedback.

In general, many respondents believe that the legislation should provide clear definitions of activities that are permitted, conditional or not permitted for each class. Such an approach would assist in clarifying and distinguishing between the classes of protected areas and in ensuring that the rules are consistent for sites in each class and are enforceable. These people suggested that without "tight" rules, there would be too many exceptions or discretionary clauses that would undermine consistency, confuse the public and open the system to abuse or misinterpretation.

Others felt that this approach might be too "prescriptive." They would prefer a listing of permitted and non-permitted activities established through policy, which then guides development of individual management plans.

The majority of the comments related to industrial activities such as petroleum and natural gas development, timber harvesting and mining. These activities are discussed under "**Industrial Activity/Honouring Existing Resource Commitments**." Of the remaining activities that respondents commented on, the following received the greatest number of comments:

Vegetation Management

Vegetation management received significant attention. It was evident from the comments received that there was some confusion regarding the definition of vegetation management and that respondents were not clear what was intended.

Several respondents advocated that "Mother Nature" should be permitted to "take her course." Some respondents also expressed a fear that commercial logging would take place in protected areas under the guise of "vegetation management." The use of chemicals in vegetation management was generally not favoured.

Other respondents saw vegetation management as an important management tool. They also noted that protected areas must not become a source of fire, disease and weeds that will affect adjacent landowners and tenure holders.

Our Comments:

There are a number of situations where vegetation management may form an important component of a protected area's management strategy. Fire management, public safety, insect and disease management, vegetation restoration, and ecosystem restoration, are examples of issues that might be addressed.

Guidelines for vegetation management in parks and protected areas are being developed based on comments received and will be reflected in the final Policy Foundation document.

Hunting

The Policy Foundation document did not recommend any changes to existing policy. However, a number of respondents who commented on hunting felt it was not appropriate in any protected area.

Others perceived hunting as a valuable management tool for controlling wildlife populations and ensuring an ecological balance, but felt it should be used for that purpose only. Some respondents supported allowing hunting on all Crown land, including protected areas.

Our Comments:

- Hunting will continue to be prohibited in Ecological Reserves (Nature Reserves) and Provincial Parks except in limited circumstances for management purposes only. (A management hunt may be used where research indicates that the population of a specific species of wildlife must be reduced in order to restore the ecological balance in the area. A management hunt must be approved by the Minister through regulations).
- Hunting for licensed species will be permitted in new Wildland Parks where areas were open to hunting at the time of designation.
- Hunting may be permitted in Heritage Rangelands and in larger Recreation Areas subject to approval in individual management plans.
- The issue of whether hunting will be considered in the three existing Wilderness Areas (White Goat, Siffleur, and Ghost River) after they are redesignated as Wildland Parks will be addressed in the manangement plans for these areas.

Off-highway Vehicle (OHV) Use and Snowmobiling

Currently, recreational OHV and snowmobile use is prohibited in all protected area classes except in some Recreation Areas and new Wildland Parks where traditional use is already well established. In such circumstances, a limited number of designated routes may be recognized subject to approval in the management plan.

No significant changes from current policy were recommended in the policy foundation document.

The majority of respondents commenting on off-highway vehicle use and snowmobiling supported this approach.

Some respondents suggested banning off-highway vehicles from all protected areas. Other respondents felt it was a legitimate activity in some of the classes.

Our Comments:

- The existing policy will continue except in some Heritage Rangelands where a limited number of existing trails may be recognized subject to approval in the management plan.

Aircraft Landing

The policy foundation document indicated that floatplane landings could be permitted on designated lakes in certain Wildland Provincial Parks if the management plan for that area determined it was an appropriate activity. The document also stated that helicopters and floatplane landings may be permitted in Recreation Areas subject to the management plan.

Of the respondents who commented on these activities, most favoured prohibiting landing in all classes of protected area, except in cases of an emergency, whereas some supported floatplane access in certain classes.

Our Comments:

- Floatplane access will be limited to designated lakes in Provincial Parks, Wildland Parks and Recreation Areas subject to approval in the management plan.
- In most cases, these areas will be remote with little or no existing access.

Industrial Activity/Honouring Existing Resource Commitments

The majority of respondents view the government's policy of honouring existing resource commitments as being incompatible with the purpose of protected areas. Several respondents proposed that the *Natural Heritage Act* incorporate a "transition" strategy that would allow for the structured, phasing out of industrial activities and dispositions, but in a manner that is fair to the disposition holders.

Several respondents stated that if dispositions continue, priority should be given to ensuring the activity is carried out in a manner that is consistent with the long-term goals of the protected area system.

Our Comments:

- The existing policy will be maintained; however, companies may relinquish their tenure interests voluntarily.

Management Planning and Public Involvement

In general, respondents supported development of management plans for all protected areas. Respondents also supported the requirement for public involvement in both management planning as well as in site designation. Several respondents added that the management plans should be based on sound science and ecological principles. Furthermore, comments stressed that management planning and public involvement processes need to consider both local and provincial interests, as all Albertans have a vested interest.

Some respondents suggested that, in addition to the individual site management plans, a provincial "systems plan" should also be developed to guide the overall completion and management of the Province's protected areas network.

Our Comments:

- The Special Places program has guided the completion of the Provinces' protected areas network.
- The *Natural Heritage Act* and Policy Foundation will guide the long-term management of Alberta's protected areas.
- Management plans will be required under the *Natural Heritage Act.*
- Public consultation will be part of the process.

Role of Protected Areas in Tourism

The policy foundation document did not directly discuss the role of protected areas in tourism. The document provided guidelines on various facilities and activities that support the tourism industry (e.g., commercial tourism facilities, outdoor recreation facilities, and camping facilities). While most of the comments received focussed on specific types of facilities and activities that support tourism, a number of respondents also provided comments on the important role of the protected areas system to the tourism industry.

Of the people commenting on the role of protected areas in tourism, most felt that the first priority of the protected areas system is to protect the environment, and ensure that ecosystems remain intact. Furthermore, many believe that the government should encourage responsible, sustainable, low-impact ecotourism and that protected areas could support ecotourism in Alberta.

Comments on major developments facilities such as golf courses, hotels and ski hills, etc. suggested that these types of facilities be prohibited or in cases where developments already exist, restricted to the existing development.

Our Comments:

- Protected areas contribute significantly toward government ecotourism goals.
- Tourism developments within protected areas will be compatible with the intent of the class.
- Major developments (e.g. ski hills, golf courses and hotels) will continue to be prohibited in Ecological Reserves, Wildland Parks, and will also be prohibited in Heritage Rangelands. Facilities will be restricted to existing developments and commitments in Provincial Parks. New development could be permitted in some categories of Recreation Areas subject to approval in the management plan.

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Update on the Natural Heritage Act

Work is continuing on the Policy Foundation and the *Natural Heritage Act*. The *Natural Heritage Act* is currently being prepared for introduction during the 1999 Spring Sitting of the Legislature, and is proposed to come into force at the end of 1999. The related public policy document is being developed based on public comments and the government review of the draft Act.

The Policy Foundation would be planned for public release when the *Natural Heritage Act* is proclaimed.

Highlights of the Natural Heritage Act

- The *Natural Heritage Act* will streamline, update and improve Alberta's protected area legislation; establish a revised classification system of protected areas; and clarify the purpose and management requirements of each class.
- A public policy document will be developed to accompany the *Natural Heritage Act*. This Policy Foundation will explain the Province's protected areas program to the public and provide long-term direction for the management of Alberta's protected areas under the *Natural Heritage Act*.
- Provisions for mandatory public notice and public involvement have been included in the Act. The Minister may also direct that public consultation or public hearings be held on any matters relating to the Act.
- Mandatory provisions for management planning have been added to the Act. These provisions specify the purpose of plans and their use in the long-term management of each area.
- Key provisions from all three existing Acts have been consolidated in the *Natural Heritage Act* to ensure consistency and satisfy the following:
  - clarity of purpose and permissible activities;
  - certainty of boundaries; and
  - durability of protected areas
- Offence and penalty provisions have been updated to be consistent with other departmental legislation. Maximum penalties have also increased to reflect the value that society places on protected areas.

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